

National Energy  
Board



Office national  
de l'énergie

**Enbridge Pipelines Inc.  
Line 3 Replacement Program**

**File Number OF-Fac-Oil-E101-2014-11 02  
Hearing Order OH-002-2015  
4 May 2015**

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## Explanation of Frequently Used Terms

The following are some terms used throughout this document and the hearing process. They are not legal definitions.

Enbridge Pipelines Inc. (Applicant or Enbridge)	The company that has submitted the Application for the Project.
Application	The application submitted by Enbridge for the Project dated 5 November 2014.
Board or NEB	National Energy Board
CEAA, 2012	<i>Canadian Environmental Assessment Act, 2012</i>
certificate	Certificate of Public Convenience and Necessity granted under section 52 of the NEB Act.
Commenter	A person who is directly affected by and/or has relevant information or expertise regarding the Project and who has been approved by us to participate in this hearing by providing a letter of comment. - see section 2.2.
designated project	A project designated under CEAA, 2012 as requiring a federal environmental assessment under that Act.
e-file	A system that may be used to file documents with the Board. – see section 4.2.
evidence	Reports, statements, photographs, and other material or information that Participants submit, in writing or orally, as part of the record. Evidence is used to support a Participant's position on the Application.
file	A formal way of submitting documents to the Board. - see section 4.2.

final argument	The position of Enbridge and Intervenor on the recommendations and decisions we should make and the reasons why the evidence supports these recommendations and decisions. This may be done orally at the hearing or in writing, as directed by us.
GCKey	A user ID and password used to access the Participation Portal (NEB Account).
Governor in Council	The Governor General acting on the advice of the Federal Cabinet.
Hearing or public hearing	A public process we use to gather and test the evidence so we can make fair and transparent recommendations and decisions. The hearing includes a written portion and an oral portion.
Information Request or IR	A written question about Enbridge's or an Intervenor's evidence.
Intervenor	A person who is directly affected by and/or has relevant information or expertise regarding the Project and who has been approved by us to participate in this hearing as an Intervenor. Being an Intervenor is the fullest way to participate in the hearing process.
List of Issues	The List of Issues that we will consider in this hearing. – see Appendix I.
NEB Account	Provides the ability to apply to participate in a hearing and file documents with the Board, making use of your GCKey.
NEB Act	<i>National Energy Board Act</i>
Notice of Motion	A document used to raise a question of process or substance, or to ask us to do something. We make a decision about any motions we receive by way of a Notice of Motion. – see section 4.5.

oral portion of the hearing	The in-person portion of the hearing. - see section 3.11.
Order	A Board order made under the NEB Act. In this case, Enbridge requests an Order under sections 52 and 58 of the NEB Act and section 45.1 of the <i>National Energy Board Onshore Pipeline Regulations</i> .
Participant	A person who has applied to participate in the hearing and whose application to participate has been approved by us. The term Participants includes Enbridge, Intervenor and Commenters.
Participation Portal	An online system where participants can file ATP, view status and submit documents with the Board – see section 4.2.
Process Advisor	Board staff who help the public, Aboriginal groups and Participants to understand the process and how to participate in the hearing. - see section 5.3 and <a href="#">Appendix IV</a> .
Project	Enbridge’s proposed project (the Line 3 Replacement Program), as specified in the Application. - see sections 1.2-1.3.
public registry	An online repository for the evidence filed in the hearing. It is the record that is available to the public. In most cases the public registry and the record include the same information. However, in exceptional circumstances, the Board may decide that certain information can be filed confidentially. This information is part of the record, but not available on the public registry.
record	The record includes all relevant submissions and evidence filed or given orally in the hearing, including documents such as the Application and the Hearing Order.
Regulatory Officer	Board staff who assist Participants, manage documentation before, during and after the hearing, perform court clerk duties at the hearing and manage the post hearing process. - see section 5.5.

reply evidence	Additional information Enbridge may file in reply to evidence filed by other Participants.
Report	A report prepared by us that includes our recommendations to the Governor in Council and decisions as to whether a Certificate and Orders should be granted for the Project and the reasons for our recommendations and decisions.
serve	Officially providing a document to the applicable Participant, such as Enbridge and Intervenors. Notice that documents available on the public registry are usually provided electronically (by e-mail) but the document may need to be provided to Enbridge and Intervenors by mail or fax - see section 4.3.
the Rules	The <i>National Energy Board Rules of Practice and Procedure, 1995</i> . The Rules provide further guidance on the Board's procedures and can be accessed on the Board's website.

## **1 This Hearing**

### **1.1 An overview**

The National Energy Board (NEB or the Board) has a responsibility to regulate the construction and operation of certain interprovincial and international pipelines and power lines.

Enbridge has applied to us for permission to construct and operate approximately 1073 km of new pipeline to replace the majority of the existing Line 3, and to decommission the corresponding part of the existing Line 3 pipeline, from Enbridge's Hardisty Terminal, located near Hardisty, Alberta to Gretna Station, located near Gretna, Manitoba (Project).

We are a three member Panel of the Board who will make recommendations and decisions on whether the Project should proceed or not and under what conditions.

We will hold a public hearing to consider the Application for the Project. During the public hearing, we will receive written evidence that can be found on our website. The hearing will also include an oral portion. We will review and consider all of the evidence on the record before we make our recommendations and decisions. We rely only on the evidence on the record.

We will release a report setting out our recommendations to the Governor in Council and decisions as to whether a Certificate and Orders should be granted for the Project and the reasons for the recommendations and decisions (Report).

The steps and deadlines in the hearing, as outlined in this document, are important to make sure the hearing is fair, transparent and efficient, and provide certainty to all participants.

### **1.2 What did Enbridge apply for?**

In its Application, Enbridge requested that the Board grant the following relief:

- a recommendation in the Board's Report to the Minister, pursuant to section 52 of the *National Energy Board Act* (NEB Act), that a Certificate of Public Convenience and Necessity be issued for the Project;
- a recommendation in the Board's Report with respect to the environmental assessment, pursuant to the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012), that after taking into account the implementation of mitigation measures, the Project is not likely to cause significant adverse environmental effects;
- an Order, pursuant to section 58 of the NEB Act, exempting the proposed new tanks and pump stations, and associated facilities from paragraphs 30(1)(b), 31(c), 31(d) and sections 33 and 47 of the NEB Act; and
- an Order, pursuant to section 45.1 of the *National Energy Board Onshore Pipeline Regulations*, allowing Enbridge to decommission portions of the existing Line 3 pipeline.



The proposed Project includes the replacement of the existing 863.6 mm crude oil pipeline with a 914.4 mm crude oil pipeline, the addition of remotely operated sectionalization valves, the addition of 18 pump stations and associated infrastructure and equipment, the addition of tankage at the Hardisty Terminal, and the decommissioning of the majority of the existing Line 3 pipeline once the replacement pipeline is in operation.

### 1.3 Where is this Project located?



#### **1.4 Is this Project a “designated project” under the *Canadian Environmental Assessment Act, 2012*?**

Yes. This Project is designated under CEAA, 2012 and the *Regulations Designating Physical Activities*. As a result, it requires a CEAA, 2012 environmental assessment for which the Board is the Responsible Authority. The Board has developed the attached Factors and Scope of the Factors for the Environmental Assessment pursuant to CEAA, 2012 (see Appendix V). This document has also been posted on the Canadian Environmental Assessment Registry Internet Site (Reference No. 80091).

#### **1.5 What is this document about?**

This document is a Hearing Order and explains:

- how you participate in or observe the hearing;
- steps and deadlines;
- procedures;
- where you can get more information; and
- the issues we will consider.

#### **1.6 Where can I see Enbridge’s Application and get more information about the Project?**

Intervenors will receive a copy of the Application from Enbridge.

If you have Internet access, you can find the [Application](#) on our website. If you don’t have Internet access, you can find the Application in the locations listed in Appendix II. You can also ask Enbridge for a copy:

Mr. Robert Bourne  
Senior Regulatory Counsel  
Enbridge Pipelines Inc.  
3000, 425 First Street SW  
Calgary, AB T2P 3L8  
Facsimile 403-767-3863  
Email: [robert.bourne@enbridge.com](mailto:robert.bourne@enbridge.com)

Ms. Rosie Zanin  
Manager, Regulatory Affairs  
Enbridge Pipelines Inc.  
3000, 425 First Street SW  
Calgary, AB T2P 3L8  
Facsimile 403-767-3863  
Email: [rosie.zanin@enbridge.com](mailto:rosie.zanin@enbridge.com)

Mr. Don Davies, QC  
Senior Partner  
Norton Rose Fulbright  
3700, 400 Third Ave SW  
Calgary, AB T2P 4H2  
Facsimile 403-264-5973  
Email: [don.davies@nortonrosefulbright.com](mailto:don.davies@nortonrosefulbright.com)

You can find all documents filed in the hearing on our [website](#). The only exceptions are when a document is too large or we have approved it as confidential information. Appendix III shows how hearing documents are organized online and includes tips for using our website.

### **1.7 Where can I get help or more information?**

The Board's Process Advisor can provide you with information on the process and how to participate in it. Section 5.3 tells you how to contact the Process Advisor. Appendix IV explains the role of the Process Advisor.

Board staff will hold public information sessions to provide information about the hearing process. Refer to Section 5.4 for more about information sessions.

Our website also has helpful publications about the hearing process and the energy industry in general. Section 5 has information about other sources of help, including Board staff names and contact information.

## **2 Participation**

### **2.1 How can I stay informed of the hearing?**

Anyone may observe the hearing process. You can observe the hearing process by:

- reading information about the hearing on our website – see Appendix III;
- reading the evidence that has been filed on the public registry;
- listening to live broadcasts of the oral portion of the hearing through our website;
- attending the oral portion of the hearing in person;
- reading the daily transcripts of the oral portion of the hearing posted on the NEB website; and
- signing up through the Project website to receive e-mail updates.

Section 5.2 and Appendix III tells you how to stay informed using our website. Section 5.6.1 explains how to get transcripts.

### **2.2 What is a Commenter?**

If you applied and were approved by us to be a Commenter, you are allowed to file one letter of comment. It will be placed on the online public registry, will form part of the hearing record, and we will read and consider it. Any additional letters or submissions will not be included on the record or considered.

Commenters will not be notified of, or receive documents that are filed on the online public registry. You will need to monitor the registry if you wish to remain aware of new filings on the record.

## 2.3 What do I write in my letter of comment?

As a Commenter, you may tell us your views on the Project by writing us a letter of comment. Your letter of comment should:

- include your name, mailing address, and telephone number;
- include the name of your organization, if you represent one;
- reference hearing number OH-002-2015 and file number OF-Fac-Oil-E101-2014-11 02; and
- state your views on the Project, including how you will be impacted positively or negatively by the Project and/or information or expertise you have in support of your views.

There is no page limit to your letter, although clear and well-organized letters are encouraged.

### 2.3.1 How can I file a letter of comment?

Only those who have been approved as Commenters may file a letter of comment. A letter of Comment must be filed by **25 September 2015**:

1. Send your letter to us in one of these ways:
  - through your online [NEB account](#), which you set up when applying to participate in this hearing process; or
  - mail, fax or courier it to us. - see Section 5.1
2. You must also send a copy of your letter to Enbridge at all the following addresses:

Mr. Robert Bourne  
Senior Regulatory Counsel  
Enbridge Pipelines Inc.  
3000, 425 First Street SW  
Calgary, AB T2P 3L8  
Facsimile 403-767-3863  
Email: [robert.bourne@enbridge.com](mailto:robert.bourne@enbridge.com)

Ms. Rosie Zanin  
Manager, Regulatory Affairs  
Enbridge Pipelines Inc.  
3000, 425 First Street SW  
Calgary, AB T2P 3L8  
Facsimile 403-767-3863  
Email: [rosie.zanin@enbridge.com](mailto:rosie.zanin@enbridge.com)

Mr. Don Davies, QC  
Senior Partner  
Norton Rose Fulbright  
3700, 400 Third Ave SW  
Calgary, AB T2P 4H2  
Facsimile 403-264-5973  
Email: [don.davies@nortonrosefulbright.com](mailto:don.davies@nortonrosefulbright.com)

## **2.4 What is an Intervenor?**

Being an Intervenor is the most involved way to participate. It requires a commitment of time and may involve some costs to prepare your evidence and send documents to Participants. It allows you to, among other things:

- submit written evidence;
- ask questions in writing and possibly orally about others' evidence;
- submit and respond to motions; and
- present a final argument.

If you give evidence, you must:

- in writing, answer any written questions about your evidence; and
- if applicable, attend the oral portion of the hearing if anyone, including the Board, plans to ask questions about your evidence.

Intervenors will be notified of, or receive all documents that are on the public registry. This includes the Application, evidence, Notices of Motion and all related materials. You can find the public registry on our website. For more information on how to find documents on our website, see Appendix III.

## **2.5 Can I withdraw?**

If you are approved to be a Participant, you may withdraw at any time in the hearing process by telling us in writing.

## **3 Steps in the Hearing**

This section describes the steps in the hearing process. Appendix VI shows the timetable of events and deadlines.

### **3.1 Board sets a time limit**

On 4 February 2015, the Board determined the Application complete to proceed to assessment. The Chair of the NEB specified the time limit for us to submit our Report on the Project to be no later than 4 May 2016. The time limit represents the maximum time for us to complete our assessment, subject to any modifications allowed under the NEB Act.

### **3.2 We issue the List of Participants**

We released the List of Participants on 28 April 2015 and directed Enbridge to serve its Application and related documents on Intervenors that have not already received a copy. If you are a Participant, you must notify us if your contact information changes.

The List of Participants indicates how Enbridge and Intervenors wish to be served with documents.

### **3.3 We release a Hearing Order including the List of Issues**

The issues that we will consider in the hearing are set out in Appendix I.

### **3.4 Enbridge files additional evidence**

By **20 May 2015**, Enbridge must file with us any additional written evidence to supplement its Application, and it must also serve a copy on all Intervenors.

### **3.5 Intervenors file Information Requests to Enbridge**

All Intervenors may ask questions of Enbridge. Their questions must be in writing and these are referred to as Information Requests. Every Information Request must be relevant to one or more of the issues identified in Appendix I.

To submit Information Requests to Enbridge, an Intenor must, by **10 June 2015**:

- file the Information Request with us;
- serve it on Enbridge and its counsel; and
- serve it on all other Intervenors.

The Board may also, at any time, ask Information Requests to Enbridge.

### **3.6 Enbridge responds to Information Requests**

By **3 July 2015**, Enbridge must:

- file responses to all Information Requests with us; and
- serve a copy on all Intervenors.

### **3.7 Intervenors file written evidence**

By **31 July 2015**, Intervenors who want to file evidence must:

- file written evidence with us; and
- serve a copy on Enbridge and all other Intervenors.

The evidence must be relevant to one or more of the issues identified in Appendix I.

### **3.8 Enbridge and Intervenors submit Information Requests to Intervenors**

Enbridge and Intervenors may ask questions about the evidence of other Intervenors. To do this, they must, by **21 August 2015**:

- file the Information Requests with us;
- serve them on the relevant Intenor(s); and
- serve a copy on Enbridge and all other Intervenors.

The Information Requests must be relevant to one or more of the issues identified in Appendix 1. The Board may also, at any time, ask Information Requests to Intervenors.

### **3.9 Intervenors respond to Information Requests**

By **11 September 2015**, Intervenors must:

- file responses to the Information Requests they receive, and
- serve a copy of those responses on Enbridge and all other Intervenors.

### **3.10 Enbridge files reply evidence**

By **23 October 2015**, Enbridge may file any reply evidence with us and serve a copy on all Intervenors.

### **3.11 The oral portion of the hearing begins**

The Board currently expects the oral portion of the hearing to take place no later than January 2016. It may be scheduled earlier if circumstances permit. The Board will communicate at a later date the location, length (number of days), and content of the oral portion of the hearing.

For information about oral hearings, see our publication called The Public Hearing Process.

### **3.12 We close the record and make recommendations and decisions**

When all the evidence is received, and after the oral portion of the hearing, we close the record, meaning we do not accept any new evidence. We then consider all relevant evidence on the record before we make our recommendations and decisions.

By **4 May 2016**, we will release our Report. This includes our recommendations and decisions on whether the Project should proceed and under what conditions. We notify all Participants and post the Report on our website.

## **4 Procedures**

This section describes how to submit documents, the deadlines, and other procedures.

### **4.1 How do I prepare documents?**

Every document you file with us or serve on Enbridge and Intervenors must refer to Hearing Order OH-002-2015 and File No. OF-Fac-Oil-E101-2014-11 02.

Address the document(s) to the proper recipient. For example, anything to be filed with us should be addressed to the Secretary of the Board. Documents specifically for others should be addressed to them using the List of Participants as a guide.



Number the pages of your document consecutively, including blank pages, so the electronic page numbers match the page numbers that show on your document. Also, please use the latest version of Adobe Acrobat.

Except for online forms, sign any document you file with us.

If you refer to information on a website in your document:

- insert a direct link or a reference to the website, so anyone accessing the website can know the exact information you are referring to;
- make sure the reader does not require a password or subscription to get the information; and
- file a hard copy with us of all the information you are referring to.

Website information may change over time. Therefore, only the hard copy will become part of the official record in the hearing.

#### **4.2 How do I file documents with the Board?**

All documents submitted to the Board become part of the public registry. We require you to file your documents using your online NEB Account or by using e-file, if you are able.

##### **Submit Documents by NEB Account**

To file your documents using your online NEB Account, you must follow these steps:

- Prepare your documents as explained in section 4.1.
- Sign into your [NEB Account](#) using your GCKey user ID and password, which you created when you applied to participate.
- You should see the Welcome Portal page, click “continue”.
- You will see a list of the hearings you can participate in. Locate “Line 3 Replacement Program”, click on “Submit Documents Electronically” and follow the instructions.
- Under Step 8 - “Service Options and Submission of Complete Form”, you may choose to have the Board’s Participation Portal (Portal) send an Automated Service Notification on your behalf by email to all Participants who have provided a valid email address. To make use of this service, click on “Yes, I want to use the Participation Portal’s Automated Service Notification option for all Participants who have provided an email address.”

Note: The Board will accept this Automated Service Notification as equivalent to the service required under the *National Energy Board Rules of Practice and Procedure, 1995* (Rules). If you do not wish to use the Automated Service Notification option, you are required to serve all Participants yourself using any of the methods allowed under the Rules (i.e., email, facsimile, courier, regular mail or hand delivery). **In either case, the Portal cannot serve Participants who have not provided an email address; it is your responsibility to serve a hard copy of your submission on any Participant who has not provided an email address.**

- Once you have completed your submission through the Portal, you will receive two emails:
  - your filing receipt where you need to verify your attachments; and
  - important instructions including the contact information of the Participants who have not provided an email address.

### **Submit Documents by e-file**

To e-file documents, you must follow these steps:

- Prepare the document as explained in section 4.1.
- Go to our website, [www.neb-one.gc.ca](http://www.neb-one.gc.ca). Under “Applications & Filings”, click on “Submit Applications and Regulatory Documents” and follow the instructions. Refer to the [Filer’s Guide to Electronic Submission](#) document.
- You will receive an email containing a submission receipt. Print the submission receipt and sign it.
- Send one hard copy of the e-filed document(s) and one hard copy of the signed submission receipt to us by mail, hand delivery or courier. See section 5.1 for our contact information.

Please note that you cannot e-file or submit documents by way of e-mail. For more information see Appendix III.

#### **4.2.1 What if I can’t file my documents through the Participation Portal or e-file documents?**

If you cannot file your documents through the Participation Portal or e-file your documents, you may submit documents in person, or by mail, fax or courier.

- Prepare the document as explained in section 4.1.
- Hand deliver, mail, fax, or courier one copy of each document to us. See section 5.1 for our contact information.

#### **4.2.2 Filing documents during the oral portion of the hearing**

If you wish to file a document after the oral portion of the hearing has started and we have accepted it onto the public registry you must:

- Follow the instructions above for filing documents;
- Give six hard copies of your new document(s) to the Regulatory Officer; and
- Make enough hard copies available to those in the hearing room who may need it. This could include Enbridge, a witness panel or other Intervenors who may be attending.

#### **4.2.3 Who can help me with submitting my documents?**

Contact the Regulatory Officer. - see section 5.5

### **4.3 How do I serve documents on others?**

When you are required to serve documents, you must send one copy to Enbridge and to each Intervenor on the List of Participants. The method of service for each Intervenor is indicated on the List of Participants.

If you use the Board's Participation Portal (Portal) it will send an Automated Service Notification on your behalf by email to all Participants who have provided a valid email address. Follow the instructions as provided in section 4.2.

If you e-file documents, you must notify Participants by email when a document has been filed. To do this, create a list of email addresses from the List of Participants and send an email to this list indicating that the filing is available on the Board's website.

If the List of Participants indicates an Intervenor is unable to access electronic documents, you must provide that person with a hard copy.

If your document cannot be scanned, for example, if it is too large, you must mail, fax, courier or deliver by hand one copy to us and to Enbridge and all other Intervenor. Board staff will put an electronic placeholder on our website. A placeholder indicates a document has been filed in hard copy (and is available in our library), but cannot be viewed or searched online.

You can contact our Regulatory Officer for assistance with e-filing your documents. For questions about serving documents, see Section 5.5.

### **4.4 What if I cannot meet a deadline?**

Our deadlines are set to provide fairness, efficiency and certainty to all Participants. We encourage Participants to use their NEB account, e-file documents, or to use fax or courier so others receive documents on time.

When you must submit documents by a certain deadline, the intended recipient must receive the documents by noon, Calgary time, on the date of the deadline.

Late filings will not be accepted, except with our permission. If you cannot meet a deadline, you must write to us to request an extension. We will then decide whether to grant your request by considering:

- the reason why you cannot meet the deadline;
- whether your submission is likely to assist us;
- whether others have made, or could have made, similar submissions;
- whether other Participants could be disadvantaged as a result of the late submission;
- and
- any other relevant considerations.

#### **4.5 How do I raise a question of procedure or substance that requires a Board decision?**

If you want to ask us to do something, such as asking us to consider a change to the process, you must submit a request to us. This is called a Notice of Motion.

The Notice of Motion must include:

- a concise statement of the facts;
- the grounds for the request;
- the decision or relief requested; and
- any information that supports the request.

The Notice of Motion must:

- be in writing;
- be signed by the person making the motion or an authorized representative;
- be divided into consecutively numbered paragraphs;
- be filed with us, and served on Enbridge and Intervenors; and
- be filed separately from any other correspondence.

\*You may use your NEB Account to upload your Notice of Motion.

If you are relying on case law or other authorities to support your position, you must submit a book of authorities and highlight the specific passages you are relying on. You must submit a copy to us and send a copy to Enbridge and all other Intervenors.

If you would like to make a motion during the oral portion of the hearing, it may be raised orally as a preliminary matter or during cross-examination, if applicable. You should include the same information as written motions.

For further information on motions, see section 35 of the Rules. The Rules can be found on our website, see Appendix III.

#### **4.6 Will you keep my evidence confidential?**

All evidence we accept for this hearing will be on the public registry unless you file a Notice of Motion to keep your evidence confidential under sections 16.1 or 16.2 of the NEB Act and we accept your request for confidentiality.

#### **4.7 Where can I go for more detailed information about the hearing procedures?**

The Rules provide detailed information about the hearing process; however, in the event of a discrepancy between the Rules and this Hearing Order, this Hearing Order prevails. You may also contact the Process Advisor. - see section 5.3

## **5 Contact Information**

### **5.1 Our contact information**

Secretary of the Board  
National Energy Board  
517 Tenth Ave. S.W.  
Calgary, AB T2R 0A8  
Telephone 403-292-4800  
Toll-free telephone 1-800-899-1265  
Facsimile 403-292-5503  
Toll free facsimile 1-877-288-8803

### **5.2 NEB Website**

We post the most current information about the hearing on our website. Go to [www.neb-one.gc.ca](http://www.neb-one.gc.ca) and click on Enbridge Line 3 Replacement Program under Quick Links. See Appendix III for information on our website.

### **5.3 Process Advisor**

Our Process Advisor can help you understand the hearing process and how you can participate in it. Appendix IV provides some information on what the Process Advisor can do to assist you. You can contact the Process Advisor at:

Matt Groza  
[L3RP.ProcessHelp@neb-one.gc.ca](mailto:L3RP.ProcessHelp@neb-one.gc.ca)  
Toll-free telephone 1-800-899-1265  
Facsimile 403-292-5503  
Toll-free facsimile 1-877-288-8803

### **5.4 Information Sessions**

During an information session, Board staff will provide information about the hearing process, how to participate in it and the Participant Funding Program. Board members will not be present. If you wish to comment or give evidence about the Project, see sections 2 and 3.

To find out when information sessions will be held, you can:

- contact the Process Advisor; and
- check the Line 3 Replacement Program webpage - [Information Sessions](#).

## 5.5 Regulatory Officer

If you need help to e-file documents, or help with evidence or exhibits during the hearing, please contact the Regulatory Officer at:

Katherine Jacobsen  
[Katherine.Jacobsen@neb-one.gc.ca](mailto:Katherine.Jacobsen@neb-one.gc.ca)  
Telephone 403-299-3927  
Toll-free telephone 1-800-899-1265  
Facsimile 403-292-5503  
Toll free facsimile 1-877-288-8803

## 5.6 Publications and Transcripts

The Public Hearing Process booklet includes general information about how hearings are conducted. - see Appendix III

For our publications, you may also contact our library:

[publications@neb-one.gc.ca](mailto:publications@neb-one.gc.ca)  
Telephone 403-292-3562  
Toll-free telephone 1-800-899-1265  
517 Tenth Avenue SW  
Calgary, AB T2R 0A8

### 5.6.1 Transcripts

The oral portion of the hearing will be recorded and transcribed daily. Transcripts will be available through the Board's Internet site at [www.neb-one.gc.ca](http://www.neb-one.gc.ca). Click on "Applications & Filings", "View Regulatory Documents" and then "Active Hearings" and scroll to "Enbridge Line 3 Replacement Program".

You can also order transcripts directly, at your own cost, from International Reporting Inc. either at the oral portion of the hearing, by e-mailing [sprouse@irri.net](mailto:sprouse@irri.net) or by calling 613-748-6043.

## 5.7 Our library

You can view a copy of the Application in our library. The library is also an excellent source of information about energy issues. You can reach the library at:

[library@neb-one.gc.ca](mailto:library@neb-one.gc.ca)  
Telephone 403-299-3561  
Toll-free telephone 1-800-899-1265  
517 Tenth Avenue SW  
Calgary, AB T2R 0A8

NATIONAL ENERGY BOARD

*Original signed by*

Sheri Young  
Secretary of the Board

## Appendix I –List of Issues

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The Board has identified, but is not obliged to limit itself to, the following issues for consideration in the hearing with respect to the proposed Line 3 Replacement Program (Project). These issues pertain, as applicable, to both the proposed construction and operation of the new Line 3 pipeline and the proposed decommissioning of the existing Line 3 pipeline.

1. The need for the Project.
2. The economic feasibility of the Project.
3. The potential commercial impacts of the Project.
4. The potential environmental and socio-economic effects of the Project, including those to be considered under the *Canadian Environmental Assessment Act, 2012*.
5. The appropriateness of the general route and land requirements for the Project.
6. The suitability of the design of the Project.
7. Potential impacts of the Project on Aboriginal interests.
8. Potential impacts of the Project on landowners and land use.
9. Contingency planning for product release, accidents or malfunctions, during construction and operation of the Project.
10. The suitability of the decommissioning plan for the existing Line 3 pipeline.
11. Safety and security during construction and operation of the Project, including emergency response planning and third-party damage prevention.
12. The terms and conditions to be included in any recommendation or approval the Board may issue.



## **Appendix II – Where can I see the Application?**

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Enbridge has made electronic copies (memory sticks) of its Application available for public viewing at the following locations:

### **Alberta:**

Town of Hardisty  
4807 - 49 Street Box 10  
Hardisty, AB T0B 1V0  
**Office Hours: 9am to 4:30pm**  
**Office closed on weekends and stat holidays**

Enbridge Pipelines Inc.  
Suite 3000, 425-1st Street SW  
Second floor- reception area  
Calgary, AB T2P 3L8  
**Office Hours: 7:30am - 5pm**  
**Office closed on weekends and stat holidays**

### **Saskatchewan:**

Regional Municipality of Rudy / Town of Outlook  
400 Saskatchewan Avenue West  
Box 1010  
Outlook, SK S0L 2N0  
**Office Hours: 8:30am - 5pm Monday through Friday (Closed over lunch from 12-1pm)**  
**Office closed on weekends and stat holidays**

Kipling Town Office  
301 6th Avenue  
Kipling, SK S0G 2S0  
**Office Hours: 8:30am - 4pm Monday through Friday (Closed over lunch from 12-1pm)**  
**Office closed on weekends and stat holidays**

White City Town Office  
12 Ramm Avenue  
White City, SK S4L 5B1  
**Office Hours: 8am - 5pm Monday through Friday**  
**Office closed on weekends and stat holidays**

Regional Municipality of Oakdale  
200 Main Street  
Coleville, SK S0L 0K0

**Office Hours: 9am- 5pm Monday through Friday (Closed over lunch from 12-1pm)**  
**Office closed on weekends and stat holidays**

Enbridge Pipelines Inc.  
119E 9th Avenue North  
Regina SK S4P 3B2

**Office Hours: 7am to 4:30pm Monday through Friday**  
**Office closed on weekends and stat holidays**

Regional Municipality of Maryfield  
Assiniboia Avenue  
Maryfield, SK S0G 3K0

**Office Hours: 9am- 5pm Monday through Friday (Closed over lunch from 12-1pm)**  
**Office closed on weekends and stat holidays**

**Manitoba:**

City of Morden  
100 - 195 Stephen Street  
Morden, MB R6M 2E1

**Office Hours: 9am - 4:30pm Monday through Friday**  
**Office closed on weekends and stat holidays**

Regional Municipality of Stanley  
1-23111 PTH 14

Located on Highway 14 between the communities of Winkler and Morden  
North side of Highway

**Office Hours: 9am - 5pm Monday through Friday**  
**Office closed on weekends and stat holidays**

Municipality of Souris-Glenwood  
100 – 2nd Street South (in the Civic Centre)  
Souris, MB R0K 2C0

**Office Hours: 8:30am - 4:30pm Monday through Friday (Closed over lunch from 12-1pm)**  
**Office closed on weekends and stat holidays**

Copies of Enbridge's Application and all related documents are available for viewing at the Board's library:

**National Energy Board**  
517 Tenth Ave. S.W.  
Calgary, AB T2R 0A8

### **Appendix III – How can I find documents on the Board’s website?**

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#### Website Navigation Tips:

1. You will find our website’s home page at: [www.neb-one.gc.ca](http://www.neb-one.gc.ca)
2. Information on the Project is accessible from the right side of our home page. Click on Enbridge Line 3 Replacement Program under “Quick Links”.
3. To find the Public Registry for the Project, go to the dark blue navigation bar and click on “Applications & Filings” at the top of our home page. On the left hand side of the page under “Regulatory Documents”, click on “View Regulatory Documents”. Then click on “Active Hearings” and “Enbridge Pipelines Inc. – Application for the Line 3 Replacement Program”.

You may also find the public registry for the Line 3 Replacement Program using the links in #2 above.

At times, recently filed documents may not be on the public registry as they are waiting to be filed. You will find these documents in the “Inbox”. The Inbox is located below the “Active Hearing” tab.

4. If you use your NEB Account to submit documents, your Participation Portal will keep a record of these documents.
5. To learn about hearings in general, go to the left side of our home page, click “Participate in a Hearing”.
6. For information on how to e-file documents, go to the left side of our home page, click on “Submit Applications and Regulatory Documents” under “Regulatory Documents.”
7. To find Acts, Regulations and Rules, click on “About Us” and then “Acts and Regulations” then select “List of Acts and Regulations” to find:
  - *National Energy Board Act*
  - *Canadian Environmental Assessment Act, 2012*

To find *National Energy Board Rules of Practice and Procedure, 1995*:

Click “List of Acts and Regulations” then from the right hand column beside *National Energy Board Act* click “Regulations” then “*National Energy Board Rules of Practice and Procedure, 1995*”

8. If you would like to receive periodic email updates on the hearing, go to [L3RP.NEBUpdate@neb-one.gc.ca](mailto:L3RP.NEBUpdate@neb-one.gc.ca).

## **Appendix IV – Role of the Process Advisor**

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The Board has assigned Mr. Matt Groza as the Process Advisor for this Project. The Process Advisor's role is to support the public (e.g., landowners, concerned citizens, environmental non-governmental organizations) and the Aboriginal groups that are participating in public hearings.

### **Mr. Groza can:**

1. Answer your questions about the Board's hearing process;
2. Explain the different ways you may participate (Intervenor, Commenter) and what you can and cannot do in these roles;
3. Organize and run public information sessions and workshops;
4. Answer your questions about the Participant Funding Program and how to apply;
5. Discuss how you can apply to participate in the process;
6. Provide samples and templates and answer your questions about them;
7. Explain your role in the hearing; and
8. Answer your process questions in person during the oral portion of the hearing.

### **Mr. Groza cannot:**

1. Make your case for you. That means, he cannot:
  - a. Interpret the evidence for you;
  - b. Tell you what information you should give to the Panel Members;
  - c. Tell you how to best present your information; and
  - d. Write your questions or evidence.
2. Talk to the Panel Members on your behalf; and
3. Talk to Enbridge on your behalf.

Please contact Mr. Groza at 1-800-899-1265 or [L3RP.ProcessHelp@neb-one.gc.ca](mailto:L3RP.ProcessHelp@neb-one.gc.ca) if you have questions about the hearing for this Project, or if you would like help participating in this hearing.

## Appendix V – Factors and Scope of the Factors

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### Enbridge Pipelines Inc. (Enbridge) Proposed Line 3 Replacement Program

#### Factors and Scope of the Factors for the Environmental Assessment Pursuant to the *Canadian Environmental Assessment Act, 2012*

## 1.0 INTRODUCTION

On 5 November 2014 Enbridge filed an Application with the National Energy Board (NEB) for the proposed Line 3 Replacement Program (Project). The Project is a designated project under the *Canadian Environmental Assessment Act, 2012* (CEAA, 2012) and requires a CEAA, 2012 environmental assessment (EA) for which the NEB is the Responsible Authority.

The designated project includes the various components and physical activities described by Enbridge in its 5 November 2014 [Application](#) submitted to the NEB. The Project includes the construction and operation of a new pipeline and associated facilities to replace the majority of the existing Line 3 pipeline (the replacement pipeline), and the decommissioning of the corresponding sections of the existing Line 3 pipeline once the replacement pipeline is in operation.

In accordance with paragraph 79(2)(b) of CEAA, 2012, the following provides a description of the factors to be taken into account in the EA and of the scope of those factors.

## 2.0 FACTORS AND SCOPE OF THE FACTORS

### 2.1 Factors to be considered

The CEAA, 2012 EA for the designated project will take into account the factors described in paragraphs 19(1)(a) through (h) of CEAA, 2012:

- (a) the environmental effects<sup>1</sup> of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;
- (b) the significance of the effects referred to in paragraph (a);
- (c) comments from the public or any interested party received in accordance with CEAA, 2012;

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<sup>1</sup> Section 5 of CEAA, 2012 further describes the environmental effects that are to be taken into account.

- (d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;
- (e) the requirements of the follow-up program in respect of the designated project;
- (f) the purpose of the designated project;
- (g) alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means; and
- (h) any change to the designated project that may be caused by the environment.

In addition, the EA may also consider community knowledge and Aboriginal traditional knowledge pursuant to subsection 19(3) of CEAA, 2012.

## **2.2 Scope of the Factors to be considered**

The EA will consider the potential effects of the designated project within spatial and temporal boundaries within which the designated project may potentially interact with and have an effect on components of the environment. These boundaries will vary with the issues and factors considered, and will include but not be limited to:

- construction, operation and maintenance, foreseeable changes, and site reclamation, as well as any other undertakings proposed by Enbridge or that are likely to be carried out in relation to the physical works proposed by Enbridge, including mitigation and habitat replacement measures;
- malfunctions or accidents that may occur in connection with the designated project;
- seasonal or other natural variations of a population or ecological component;
- any sensitive life cycle phases of species (e.g., wildlife, vegetation) in relation to the timing of Project activities;
- the time required for an effect to become evident;
- the area within which a population or ecological component functions; and
- the area affected by the designated project.

Any works and activities associated with additional modifications or associated with the decommissioning or abandonment phase of the new Line 3 replacement pipeline (as opposed to the decommissioning of the existing Line 3 pipeline) would be subject to a future application under the *National Energy Board Act* and assessed in detail at that time. Therefore, at this time, any works or activities associated with these phases of the Project will be examined in a broad context only.

As indicated above, the EA will consider cumulative environmental effects that are likely to result from the designated project in combination with effects from other physical activities that have been or will be carried out.

Subsection 2(1) of CEAA, 2012 provides definitions potentially relevant to the scope of the factors, including:

“environment” which means the components of the Earth, including

- (a) land, water and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in paragraphs (a) and (b);

and

“mitigation measures” which means measures for the elimination, reduction or control of the adverse environment effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.

**Appendix VI – Timetable of Events**


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<b>Events</b>	<b>Hearing Order Reference</b>	<b>Responsible Participant</b>	<b>Date or Deadline (noon Calgary time)</b>
Enbridge's Project Application to the Board	1.2	Enbridge	5 November 2014
Determination of Application Completeness and Time Limit	3.1	Board	4 February 2015
Release List of Participants	3.2	Board	28 April 2015
Serve Project Application on all Intervenor	3.2	Enbridge	Immediately after receiving the List of Participants
Release Hearing Order OH-002-2015	3.3	NEB	4 May 2015
Submit additional written evidence	3.4	Enbridge	20 May 2015
Submit Information Requests to Enbridge	3.5	Intervenor	10 June 2015
Respond to the Information Requests	3.6	Enbridge	3 July 2015
Submit written evidence	3.7	Intervenor	31 July 2015
Submit Information Requests to Intervenor	3.8	Enbridge, other Intervenor	21 August 2015
Respond to Information Requests	3.9	Intervenor	11 September 2015
File Letters of Comment	2.3.1	Commenter	25 September 2015



File reply evidence	3.10	Enbridge	23 October 2015
Begin oral portion of the hearing	3.11	Enbridge and Intervenors	To be determined